

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARD GIBBS, JR.,)
)
Petitioner,)
)
v.) Civ. No. 07-36-JJF
)
THOMAS L. CARROLL,)
Warden, and ATTORNEY)
GENERAL OF THE STATE)
OF DELAWARE,)
)
Respondents.)

O R D E R

At Wilmington this 16 day of March, 2007;

IT IS ORDERED that:

Petitioner Edward Gibbs, Jr.'s Motion For The Appointment Of
Counsel is DENIED without prejudice to renew. (D.I. 2.)

Petitioner has no automatic constitutional or statutory
right to representation in a federal habeas proceeding. See
Coleman v. Thompson, 501 U.S. 722, 752 (1991); Reese v.
Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991); United States v.
Roberson, 194 F.3d 408, 415 n.5 (3d Cir. 1999). A court may,
however, seek representation by counsel for a petitioner "upon a
showing of special circumstances indicating the likelihood of
substantial prejudice to [petitioner] resulting . . . from
[petitioner's] probable inability without such assistance to
present the facts and legal issues to the court in a complex but
arguably meritorious case." Tabron v. Grace, 6 F.3d 147, 154 (3d
Cir. 1993) (citing Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir.

1984); 18 U.S.C. § 3006A (a)(2)(B) (representation by counsel may be provided when a court determines that the "interests of justice so require").

Here, Petitioner seeks representation by counsel because he is incarcerated with limited access to the law library, he is unskilled in the law, and he represented himself during his state criminal and post-conviction proceedings. The Court concludes that the "interests of justice" do not warrant representation by counsel at this time.


UNITED STATES DISTRICT JUDGE